

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAN 31 2014

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

UNITED STATES OF AMERICA,) CASE NO. 7:09CR00054
) (CASE NO. 7:13CV80603)
)
v.) ORDER
)
)
DAVID ALEXANDER RAMEY, JR.,) By: Glen E. Conrad
) Chief United States District Judge
Defendant.)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. The motion to dismiss (ECF No. 73) is **GRANTED IN PART AND DENIED IN PART**, as follows: the motion to dismiss is **GRANTED** as to the defendant's Claim 1, challenging the supervised release revocation sentence imposed in Case No. 7:95CR00126, but the motion to dismiss is **DENIED** as to the defendant's Claim 2, alleging that the government failed to file a promised motion for sentence reduction for substantial assistance;
2. The government is **DIRECTED** to submit a response to the merits of the defendant's Claim 2 within thirty days from entry of this order; and
3. The clerk is **DIRECTED** to docket a copy of the § 2255 motion (ECF No. 166) and a copy of this order and the accompanying memorandum opinion in Case No. 7:95CR00126, for administrative purposes, as a separate § 2255 action, opened and dismissed as of the date of this order.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the defendant.

ENTER: This 31st day of January, 2014.



Chief United States District Judge